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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GARY J. WINKLER,

Plaintiff,

vs.

C/O GODECKI, *et al.*,

Defendants.

Case No. 3:13-cv-00711-RCJ-VPC

ORDER

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state prisoner. Plaintiff has submitted an application to proceed *in forma pauperis* (ECF #5). Based on the financial information provided, the court finds that plaintiff is unable to prepay the full filing fee in this matter.

The court entered a screening order on January 22, 2015 (ECF #14). The screening order imposed a 90-day stay, and the court entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator (ECF #16). The Office of the Attorney General has filed a status report indicating that settlement has not been reached and informing the court of its intent to proceed with this action (ECF #19).

For the foregoing reasons, IT IS ORDERED that:

1 1. Plaintiff's application to proceed *in forma pauperis* (ECF #5) is GRANTED. Plaintiff
2 shall not be required to pay an initial installment of the filing fee. In the event that this action is
3 dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

4 2. The movant herein is permitted to maintain this action to conclusion without the
5 necessity of prepayment of any additional fees or costs or the giving of security therefor. This order
6 granting leave to proceed *in forma pauperis* shall not extend to the issuance and/or service of subpoenas
7 at government expense.

8 3. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall pay to
9 the Clerk of the United States District Court, District of Nevada, 20% of the preceding month's deposits
10 to plaintiff's account (Gary J. Winkler, inmate #1021665) the months that the account exceeds \$10.00,
11 until the full \$350.00 filing fee has been paid for this action. The Clerk of the Court shall **SEND** a copy
12 of this order to the Finance Division of the Clerk's Office. The Clerk of the Court shall also **SEND** a
13 copy of this order to the attention of the Chief of Inmate Services for the Nevada Department of
14 Corrections, P.O. Box 7011, Carson City, NV 89702.

15 4. The Clerk of the Court shall electronically **SERVE** a copy of this order and a copy of
16 plaintiff's second amended complaint (ECF #13) on the Office of the Attorney General of the State of
17 Nevada, attention Kat Howe.

18 5. Subject to the findings of the screening order (ECF #14), within **twenty-one (21) days**
19 of the date of entry of this order, the Attorney General's Office shall file a notice advising the court and
20 plaintiff of: (a) the names of the defendants for whom it accepts service; (b) the names of the defendants
21 for whom it does not accept service, and (c) the names of the defendants for whom it is filing last-
22 known-address information under seal. As to any of the named defendants for which the Attorney
23 General's Office cannot accept service, the Office shall file, *under seal*, but shall not serve the inmate
24 plaintiff the last known address(es) of those defendant(s) for whom it has such information.

25 6. If service cannot be accepted for any of the named defendant(s), plaintiff shall file a
26 motion identifying the unserved defendant(s), requesting issuance of a summons, and specifying a full
27 name and address for the defendant(s). For the defendant(s) as to which the Attorney General has not
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1 provided last-known-address information, plaintiff shall provide the full name and address for the
2 defendant(s).

3 7. If the Attorney General accepts service of process for any named defendant(s), such
4 defendant(s) shall file and serve an answer or other response to the complaint within **sixty (60) days**
5 from the date of this order.

6 8. Henceforth, plaintiff shall serve upon defendant(s) or, if an appearance has been entered
7 by counsel, upon their attorney(s), a copy of every pleading, motion or other document submitted for
8 consideration by the court. Plaintiff shall include with the original paper submitted for filing a
9 certificate stating the date that a true and correct copy of the document was mailed to the defendants or
10 counsel for the defendants. If counsel has entered a notice of appearance, plaintiff shall direct service
11 to the individual attorney named in the notice of appearance, at the address stated therein. The court
12 may disregard any paper received by a district judge or magistrate judge which has not been filed with
13 the Clerk, and any paper received by a district judge, magistrate judge, or the Clerk which fails to
14 include a certificate showing proper service.

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16 DATED: This 27th day of April, 2015)

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19 United States Magistrate Judge
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